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PTO/SB/26 (08-03) (AW 10/2003)

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REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)
MAT-7999US

In re Application of: **Kenichi MORIGAKI, et al.**

Application No. **09/601,234**

Filed: **October 30, 2000**

For: **Non-Aqueous Electrolyte Secondary Battery Comprising Composite Particles**

The owner*, **MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.** of **100%** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,605,386**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Signature

6/7/04
June 7, 2004

Lawrence E. Ashery

Typed or printed name

(610) 407-0700

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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Appln. No.: 09/601,234
Amendment Dated June 21, 2004
Reply to Office Action of June 16, 2004

1745/9
MAT-7999US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 09/601,234
Applicants: K. Morigaki et al.
Filed: October 30, 2000
Title: NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY COMPRISING
COMPOSITE PARTICLES
TC/A.U.: 1745
Examiner: Susy N. Tsang-Foster
Confirmation No.: 8757
Docket No.: MAT-7999US

COMMUNICATION

Mail Stop Amendment
Commissioner for Patents
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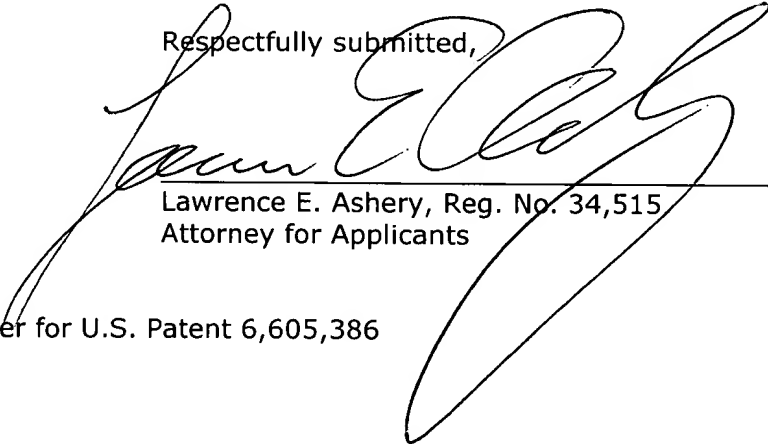
Sir:

This communication is being filed responsive to the Official Action dated June 16, 2004.

The Official Action alleges that a Terminal Disclaimer directed to U.S. Patent 6,605,386 has not been filed. This Terminal Disclaimer has in fact been filed. A copy of the Terminal Disclaimer, as filed, is enclosed.

Allowance of the above-identified application is respectfully requested.

Respectfully submitted,


Lawrence E. Ashery, Reg. No. 34,515
Attorney for Applicants

LEA/mjc

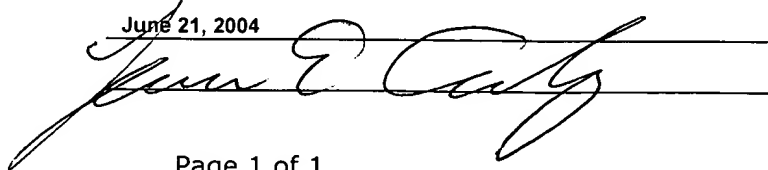
Enclosure: Copy of Terminal Disclaimer for U.S. Patent 6,605,386

Dated: June 21, 2004

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DATE: June 7, 2004

TIME:

TO:	Examiner Susy N. Tseng Foster	FAX NO.:	(571) 273-1293
FROM:	Lawrence E. Ashery	ADMIN. ASST.:	D. Spratt
APPLN. NO.:	09/601,234	ATTY. DOCKET NO.:	MAT-7999US
TITLE OF APPLN.:	Non-Aqueous Electrolyte Secondary Battery Comprising Composite Particles		
FILING DATE:	October 30, 2000	ART UNIT:	1745
FIRST INVENTOR:	Kenichi Morigaki, et al.	CONF. NO.:	8757
TITLE OF DOCUMENT (and List of Attachments): Terminal Disclaimer, Fee Transmittal, Transmittal Form			

Total Number of Pages: 4 (Including this form)

COMMENTS

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